

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/21/12

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA :

v. :

PETER GHAVAMI :
(aka PETER GHAVAMILAHIDJI) :
GARY HEINZ; and :
MICHAEL WELTY, :

Defendants. :
----- X

1:10-CR-01217 (KMW)

**CONSENT ORDER PURSUANT TO FEDERAL RULE OF EVIDENCE 502(d)
REGARDING THE UNITED STATES PRODUCTION OF THIRD PARTY
WRITTEN MATERIAL**

WHEREAS the United States has produced to defendants in the above-captioned case portions of five written documents of a certain third party identified as Privilege Claimant 7 in the Government's Application for An Order Resolving Claims of Attorney-Client Privilege or Attorney Work Product as to Consensual Recordings. See Docket Entry No. 85 in 10-Cr-1217;

WHEREAS, the United States has represented to defendants that Privilege Claimant 7 produced those five documents to the United States pursuant to a non-waiver agreement;

WHEREAS, the United States has represented to defendants that Privilege Claimant 7 takes the position that these five written documents are attorney-client privileged communications and/or otherwise contain privileged information;

WHEREAS, the United States and the defendants agree that the defendants shall be permitted to use the five written documents produced by the United States without

limitation in this action, other than as limited by the Protective Order, and the United States has represented that Privilege Claimant 7 agrees with that position, and

WHEREAS, defendants are not privy to the putative non-waiver agreement and reserve all arguments and claims concerning the five written documents, but have no objection to the entry of this order as to the documents at issue:


IT IS HEREBY ORDERED THAT

Pursuant to Fed. R. Evid. 502(d):

- (a) The Government's disclosure of the five written documents to defendants and defendants' use of the written documents in connection with this proceeding does not constitute a waiver of Privilege Claimant 7's asserted attorney client privilege or work product protection in the above-captioned matter pending before the Court, and
- (b) The Government's disclosure of the five written documents to defendants and defendants' use of the written documents in connection with this proceeding does not constitute a waiver of Privilege Claimant 7's asserted attorney client privilege or work product protection in any other federal or state proceeding pursuant to Fed. R. Civ. P. 26, Fed. R. Crim. P. 16, and/or analogous state rules.

SO ORDERED

Dated: New York, New York
March 21, 2012


THE HONORABLE KIMBA WOOD
United States District Judge